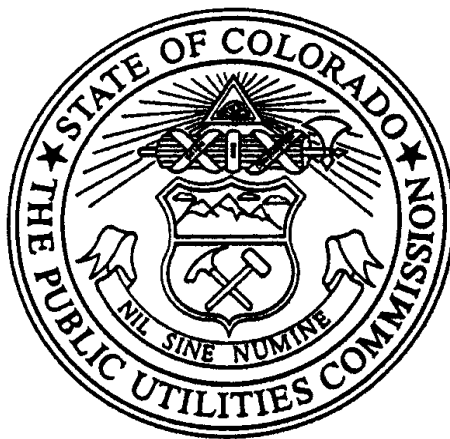


GENERAL PROVISIONS
of the
RULES REGULATING TRANSPORTATION
BY MOTOR VEHICLE
723-6-6000.



Effective May 1, 2014

COLORADO DEPARTMENT OF REGULATORY AGENCIES
THE PUBLIC UTILITIES COMMISSION

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BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the state of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, and limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport). In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 507;42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all common carriers, contract carriers, limited regulation carriers, towing carriers, movers, UCR registrants, and drivers as defined herein. For hazardous materials carriers and nuclear materials carriers, only rule 6008 and the related definitions in rule 6001 shall apply. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, and 6600.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by use of any oral, written, or graphic statement made in a newspaper or other publication, on radio, television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property.
- (b) "Authority," except as otherwise defined or contextually required, means a common carrier certificate, a contract carrier permit, or an emergency temporary authority or a temporary authority issued by the Commission to a regulated intrastate carrier that specifies the authorized type of service, the authorized geography of service, and any restrictions limiting the authorized service.
- (c) "Certificate" means the certificate of public convenience and necessity issued to a common carrier declaring that the present or future public convenience and necessity requires or will require stated operation.

- (d) "C.F.R." means the Code of Federal Regulations.
- (e) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly.
- (f) "Duplicating or overlapping authority" means transportation in the same type of service between the same points under two or more separate authorities which are held by the same carrier.
- (g) "Driver" means any person driving a motor vehicle, including an independent contractor.
- (h) "Encumbrance" means any transaction that creates a security interest, mortgage, deed of trust, lien, or other similar right or interest, by act or deed or by operation of law.
- (i) "Enforcement official" means either:
 - (I) any employee or independent contractor appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation by motor vehicle; or
 - (II) "enforcement official," as that term is defined by § 42-20-103(2), C.R.S.
- (j) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (k) "GCWR" means gross combination weight rating, the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
- (l) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (m) "Hazardous materials carrier" means a person who transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (n) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (o) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (p) "Intrastate commerce" means transportation, other than in interstate commerce, for compensation, by motor vehicle over the public highways between points in this state.
- (q) "Letter of authority" means a document issued by the Commission to a common or contract carrier stating the permanent authority granted by the Commission, A letter of authority is deemed to provide proof of Commission-granted common or contract carrier authority.
- (r) "Limited regulation carrier" means a person who provides service by charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter as those terms are defined in § 40-10.1-301, C.R.S.

- (s) "Manufacturer" means the final person modifying the physical structure of a motor vehicle, such as the original manufacturer or a person subsequently modifying a motor vehicle's wheelbase in a luxury limousine.
- (t) "Meter" means a device that calculates charges for passenger transportation and/or measurement of distance travelled by a passenger.
- (u) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle that provides transportation in intrastate commerce pursuant to Article 10.1 of Title 40, C.R.S.
- (v) "Motor vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.
- (w) "Nuclear materials carrier" means a person who transports nuclear materials as defined in § 42-20-402(3), C.R.S.
- (x) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (y) "Permit" means the permit issued to a contract carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S., or to a motor carrier pursuant to parts 3, 4, and 5 of said Article.
- (z) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.
- (aa) "Principal" means a person who:
 - (I) necessarily participates or abstains in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
 - (II) is authorized to act on behalf of an entity;
 - (III) participates in the election, appointment, or hiring of persons that are authorized to act on behalf of an entity; and
 - (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission's jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

- (bb) "Regulated intrastate carrier" means a public utility declared to be affected with a public interest that is a common carrier and/or a contract carrier.
- (cc) "Roof light" means equipment attached to the roof of a vehicle or extending above the roofline of a vehicle.

(dd) "Seating capacity" means:

(I) Except as otherwise specifically defined or contextually required, and in the absence of the manufacturer-rated number of seating positions in a motor vehicle, "seating capacity" means the greatest of the following:

(A) the total number of seat belts, including the driver's, in a motor vehicle; or

(B) the number generated by adding:

(i) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;

(ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat; and

(iii) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number.

(II) Auxiliary seating positions, such as folding jump seats, shall be counted in determining seating capacity.

(ee) "Transportation broker" means a person, other than a motor carrier or as part of a motor carrier's operations, who, for compensation, arranges, or offers to arrange, for-hire transportation of passengers. A transportation broker is not an agent of a motor carrier, cannot represent itself as a motor carrier, cannot provide or offer to provide transportation service, and cannot be a party to the contract for transportation.

(ff) "Type of service" means any one of the following services: charter, limousine, shuttle, sightseeing, taxicab, or scheduled.

6002. Authority and Permit Requirements - Applications.

A person may seek Commission action regarding any of the following matters through the filing of an appropriate application:

(a) For the grant or extension of authority to operate as a regulated intrastate carrier, as provided in rule 6203.

(b) To voluntarily abandon or suspend an authority to operate as a regulated intrastate carrier, as provided in rule 6204.

(c) To encumber or transfer any authority to operate as a regulated intrastate carrier, to acquire control of any regulated intrastate carrier, or to merge or consolidate a regulated intrastate carrier with any other entity, as provided in rule 6205.

(d) To amend a tariff on less than statutory notice, as provided in paragraph 6207(j).

(e) For a permit to operate as a limited regulation carrier on a Commission-prescribed form.

- (f) For a permit to operate as a towing carrier on a Commission-prescribed form.
- (g) For a permit to operate as a mover on a Commission-prescribed form.

6003. Petitions.

Any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in rule 1003 of the Commission's Rules of Practice and Procedures, 4 CCR 723-1.

6004. Registration.

A person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rule 6401.

6005. Authority to Interview Personnel and Inspect Records, Motor Vehicles, and Facilities.

- (a) Unless a format or period of record retention is specified in a rule:
 - (I) motor carriers shall maintain all records required by these rules for three years. For the first year, the records must be maintained in their original format. The format may be changed after one year (i.e., converting original paper to electronic format for storage); and
 - (II) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (b) An enforcement official has the authority to interview personnel and inspect records motor vehicles used in providing a transportation service, and facilities of a motor carrier.
 - (I) Upon request by an enforcement official, except as otherwise required by these rules or an order of the Commission, records must be made available to the official in the original format during the first year. Thereafter, the records shall be made available in the format maintained by the company. Copies shall also be provided upon request. Records or copies, as applicable, must be made available within the following time periods:
 - (A) Immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, mover estimates for service, mover contracts for service, or any records related to insurance or safety;
 - (B) Within two days for any records related to a complaint investigation; or
 - (C) Within ten days for all other records.
 - (II) When a request under paragraph (b) of this rule meets multiple time periods under subparagraphs (b)(I) through (III), the shortest time period shall apply.
 - (III) Upon request of an enforcement official and during business hours, a motor carrier shall make its facilities available for inspection.

- (IV) Upon request by an enforcement official, a motor carrier, including its drivers, shall make its motor vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (V) Upon request by an enforcement official, motor carrier personnel and drivers shall be available for interview during business hours.

6006. Reports, Name Changes, Address Changes, Address Additions, and Designated Agent Changes.

- (a) Each common carrier and contract carrier shall submit its annual report, as prescribed by rule 6212.
- (b) A motor carrier is required to notify the Commission in writing of any change of name, mailing address, physical address, or telephone number on file with the Commission within two days of making said change. The notification shall identify the person making the change and all of the affected motor carrier's certificates, permits, or registrations. A notice of name change including trade name changes and trade name additions, shall include supporting documentation from the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the motor carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility and tariffs.
 - (II) No name change shall be effective until proper proof of financial responsibility in the motor carrier's new name has been filed with the Commission.
- (c) If a towing carrier wishes to begin providing storage for towed motor vehicles at a new or additional storage facility, the towing carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.
- (d) Each motor carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within two days following the effective date of such change.
- (e) Any information provided by a motor carrier for the Commission's files shall be deemed accurate until changed by the motor carrier.

6007. Financial Responsibility.

- (a) Financial responsibility requirements:
- (i) Motor vehicle liability coverage. Every motor carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. Motor vehicle liability means liability for bodily injury and property damage. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount per § 24-10-114(1), C.R.S. The minimum levels for all other motor carriers shall be:

| Type of Carrier | Vehicle Seating Capacity or GVWR | Minimum Level |
|------------------------------|----------------------------------|--|
| Common and Contract Carriers | 8 or less | \$ 500,000 |
| | 9 through 15 | \$1,000,000 |
| | 16 through 32 | \$1,500,000 |
| | 33 or more | \$5,000,000 |
| Limited Regulation Carriers | 15 or less | \$1,000,000 |
| | 16 through 32 | \$1,500,000 |
| | 33 or more | \$5,000,000 or, for public entities, the maximum amount per § 24-10-114(1), C.R.S. |
| Movers | 10,000 pounds or more GVWR | \$ 750,000 |
| | Less than 10,000 pounds GVWR | \$ 300,000 |
| Towing Carriers | Any GVWR | \$ 750,000 |

- (ii) Motor carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R.

- (A) All common carriers, contract carriers, limited regulation carriers, movers, and towing carriers shall cause a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance or a Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond to be filed with the Commission. The applicable form shall be executed by a duly authorized agent of the surety.
 - (B) All common carriers, contract carriers, limited regulation carriers, movers, and towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R., shall cause a copy of said certificate of self-insurance to be filed with the Commission. Upon renewal of the certificate of self-insurance, the common carrier, contract carrier, limited regulation carrier, mover, or towing carrier shall file a copy of the most current version of such certificate of self-insurance.
- (III) Cargo liability coverage. Every mover and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. Cargo liability coverage for a towing carrier shall include coverage of physical damage to the motor vehicle in tow (on hook) and loss of its contents.
- (A) For towing carriers the cargo liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any persons other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the towing carrier.
 - (B) For movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
 - (C) All movers or towing carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a towing carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) Garage keeper's liability coverage. Towing carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (A) Garage keeper's liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any person, other than the insured, which is stored by the towing carrier directly or through an agent.
 - (B) All towing carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.

- (V) Workers' compensation insurance coverage. Every towing carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
 - (A) If workers' compensation insurance coverage is required, the towing carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a person has proof of workers' compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the towing carrier shall cause:
 - (i) For corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers' Compensation Form WC43 including a part B for each person listed on part A; or
 - (ii) For other towing carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. Every mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage.
 - (A) All movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The motor carrier shall ensure that insurance or surety bond coverage:
 - (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all motor vehicles which may be operated by or for the motor carrier, or which may be under the control of the motor carrier, regardless of whether such motor vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the motor carrier on a "first dollar"/"dollar one" basis;

- (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the motor carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a motor carrier to pay insurance or surety benefits directly to a party damaged by said motor carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the motor carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to motor carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers compensation requirements for towing carriers pursuant to § 40-10.1-401(3), C.R.S.
 - (d) The motor carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.
 - (e) The motor carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the carrier is in violation of the requirements of this rule.
 - (f) The motor carrier shall ensure that the policy and the forms noted in this rule contain the motor carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
 - (g) Any change affecting the policy and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment.
 - (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
 - (i) Except as provided in paragraph (j) of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation or non-renewal notice period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
 - (j) Administrative cancellation of certificates of insurance and/or surety bond.
 - (I) When a new certificate of insurance and/or surety bond is filed with the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.

- (II) When the Commission grants an application filed by a regulated motor carrier, or receives notice from any other type of motor carrier to cancel all of its authorities and permits, all certificates of insurance and/or surety bond for the motor carrier shall be administratively cancelled.

6008. Revocation, Suspension, Alteration, or Amendment.

- (a) Summary suspension and/or revocation for lack of financial responsibility of a motor carrier, a hazardous materials carrier, and a nuclear materials carrier.
 - (I) Summary suspension.
 - (A) Whenever Commission records indicate that a motor carrier's, hazardous materials carrier's, or nuclear materials carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such authority or permit.
 - (B) Whenever Commission records indicate that a towing carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6007 the Commission shall, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such authority or permit.
 - (C) Failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance.
 - (D) The summary suspension shall be effective on the date of coverage cancellation.
 - (II) The Commission shall advise the motor carrier, hazardous materials carrier, or nuclear materials carrier:
 - (A) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (B) that its authority or permit is summarily suspended as of the coverage cancellation date;
 - (C) that it shall not conduct operations under any of its authorities, or permits after the coverage cancellation date;
 - (D) that the Commission has initiated complaint proceedings to revoke its authorities, or permits;
 - (E) that it may submit, at a hearing convened to determine whether its authorities or permits should be revoked, written data, views, and arguments showing why such authorities or permits should not be revoked; and

- (F) the date, time, and place set for such hearing.
- (III) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage is filed with the Commission, a motor carrier, hazardous materials carrier, or nuclear materials carrier receiving notice of summary suspension shall not, under any of its authorities, or permits, conduct operations after the effective date of such summary suspension.
- (IV) If the Commission receives proper proof of coverage or documentation that coverage is not required prior to the hearing, the summary suspension and complaint will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.
- (V) If the Commission receives proper proof of coverage or documentation that coverage is not required prior to revocation, the Commission shall dismiss the summary suspension and complaint, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.
- (b) If, due to an administrative error or omission of the Commission staff, an authority or permit is suspended or revoked for lack of financial responsibility coverage, such authority or permit shall, without a hearing, be retroactively reinstated as of the effective date of the proof of coverage. Staff shall document in its files the correction of such administrative error or omission.
- (c) After a hearing upon at least ten days' notice to the motor carrier affected, and upon proof of violation, the Commission may issue an order to cease and desist, suspend, revoke, alter, or amend any certificate or permit for the following reasons:
 - (I) a violation of, or failure to comply with, any statute, order, or rule concerning a motor carrier; or
 - (II) a conviction, guilty plea, or plea of nolo contendere to a felony by an owner, member, partner, director, or officer of a towing carrier.
- (d) Period of ineligibility.
 - (I) A motor carrier whose certificate or permit is revoked shall be ineligible to be issued another certificate or permit for at least one year from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
 - (II) A motor carrier whose certificate or permit is revoked more than twice shall be ineligible to be issued another certificate or permit for at least two years from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
 - (III) In the case of an entity other than an individual, such period of ineligibility shall also apply to all principals, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.

- (e) Subparagraphs (d)(I) and (II) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility required by rule 6007, unless the motor carrier knowingly operated without the required financial responsibility.

6009. Annual Motor Vehicle Fees - Exemption.

- (a) Every motor carrier shall pay to the Commission an annual fee before the first day of January of each calendar year, for each motor vehicle that such motor carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.
- (b) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (c) A motor carrier that obtains an authority or permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the authority or permit.
- (d) A motor carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual fee prior to placing the additional vehicle(s) into service.
- (e) Proof of payment of each annual fee shall be in the form of a vehicle stamp issued by the Commission.
- (f) A vehicle stamp is valid only for the calendar year for which it is purchased.
- (g) A motor carrier shall not operate a motor vehicle unless it has affixed a valid vehicle stamp to the inside lower right-hand corner of the motor vehicle's windshield. In the alternative, the vehicle stamp may be affixed to the right front side window of the motor vehicle so long as the stamp does not interfere with the driver's use of the right-hand outside mirror.
- (h) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II), a motor carrier that is also a UCR registrant for the same calendar year is exempt from paragraphs (a) through (g) of this rule.
 - (II) A motor carrier that is also a UCR registrant for the same calendar year is not exempt from paragraphs (a) through (g) of this rule for any motor vehicle that:
 - (A) was used only in intrastate commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides transportation of household goods, nonconsensual tows, or passenger transportation that is not subject to the preemption provisions of 49 U.S.C. section 14501(a).
- (i) Exemption for a mover. A mover holding a permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (g) of this rule.

6010. Letter of Authority and Permit.

- (a) No party shall file an application under a name or trade name that identifies a type of transportation service not requested or currently authorized (e.g., a limited regulation carrier or a common carrier with only call-and-demand shuttle service shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a certificate or permit under such name.
- (b) Any carrier currently operating under a name or trade name that that identifies a type of transportation service not currently authorized (e.g., a limited regulation carrier or a common carrier with only call-and-demand shuttle service shall not have taxi in its name) shall alter its name or trade name to comply with this rule within one year after the effective date of these rules.
- (c) The motor carrier must maintain evidence of its authority or permit at its principal place of business and, upon request, shall immediately present it to any enforcement official.

6011. Designation of Agent.

- (a) Each motor carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name, mailing address, and physical address of a person upon whom service may be made of any lawful notice, order, process, or demand. The named person is the motor carrier's designated agent. A motor carrier shall not designate the Secretary of State of the state of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The addresses of the person designated shall be in the state of Colorado.
- (b) Service upon a motor carrier's named designated agent, as on file with the Commission, shall be deemed to be service upon the motor carrier.

6012. [Reserved].

6013. Notice.

Notice sent to the motor carrier's address on file with the Commission shall constitute prima facie evidence that the motor carrier received the notice.

6014. Waivers.

A motor carrier granted a waiver, or engaging a driver who has been granted a waiver of any rule in this Part 6 shall:

- (a) If the waiver pertains to a motor vehicle: maintain a copy of the waiver:
 - (I) in the affected motor vehicle; and
 - (II) in the motor carrier's motor vehicle maintenance records at the motor carrier's primary place of business.
- (b) If the waiver pertains to a driver: ensure that a copy of the waiver is:

- (I) carried on the affected driver's person whenever the driver is operating a motor vehicle over which the Commission has jurisdiction; and
 - (II) maintained in the affected driver's qualification file at the motor carrier's primary place of business.
- (c) A copy of any other waiver shall be maintained at the motor carrier's primary place of business.

6015. Exterior Vehicle Markings, Signs, or Graphics.

- (a) With the exceptions of luxury limousines, all motor vehicles must have external markings as detailed below.
- (I) The markings on the vehicle must;
 - (A) appear on both sides of vehicles;
 - (B) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (C) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (D) be maintained in a manner that retains the legibility required above;
 - (E) display the name or a trade name as set forth in the common carrier certificate(s), the contract carrier permit(s), the towing carrier permit(s), or the mover permit(s), as applicable;
 - (F) display the letter and/or number designation of the carrier's certificate(s) and or permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (G) either be painted on the motor vehicle or consist of a removable device.
 - (II) Subparagraphs (I)(E) and (I)(F) shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. Section 14506 regarding restrictions on identification of vehicles.
 - (III) In lieu of subparagraph (I), a regulated intrastate carrier or a limited regulation carrier operating a motor vehicle having a seating capacity of fifteen or less may affix the marking required by subparagraph (F) to both the front and rear of the motor vehicle in compliance with subparagraphs (I)(B), (I)(C), (I)(D), and (I)(G).
- (b) A motor carrier shall remove all markings required by this rule from a motor vehicle that the motor carrier is permanently withdrawing from service.

6016. Offering of Transportation Service.

- (a) Advertising to arrange transportation service as a transportation broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service.

- (b) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (c) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall offer to provide a transportation service without authority or permit to provide such service.
- (d) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's authority or permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a motor carrier operates authority or permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's authority or permit.
 - (II) If a motor carrier holds an authority or permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a mover shall include the phrase "CO PUC Mover Permit No. HHG permit number" and the physical address of the mover.
- (f) Each advertisement of a towing carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the carrier shall include the phrase "PUC. T- permit number" of the towing carrier.
- (g) Each advertisement of a luxury limousine carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the carrier shall include the phrase "PUC LL- permit number".
- (h) Roof lights. Except as otherwise required by law, only a taxicab operated by a common carrier under an authority to provide taxicab service may have a roof light.

6017. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

- (a) A violation of subparagraph (a)(I), except (a)(I)(A) or (a)(I)(B), of rule 6007 may result in the assessment of a civil penalty of up to \$11,000.00 for each violation.
- (b) A violation of § 40-10.1-111(1)(f) or (2), C.R.S., or rule 6009(a), (c), or (d) with regard to operating a motor vehicle without having paid the annual fee may result in the assessment of a civil penalty of up to \$400.00 for each violation.
- (c) A violation of rule 6016(c) and (d) may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (d) Except as provided for in paragraph (a) through (c) of this rule, a violation of any provision of rules 6000 through 6016 or § 40-10.1-111(1)(f) or (2), C.R.S. may result in the assessment of a civil penalty of up to \$275.00 for each violation.

- (e) Pursuant to § 40-7-112, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these rules, may be assessed a civil penalty for such violation.
- (f) Notwithstanding any provision in these rules to the contrary, the Commission may assess a civil penalty of two times the amount or three times the amount, as provided in § 40-7-113, C.R.S.
 - (I) The amounts in subparagraphs (a) through (d) shall be two times the specified amount if:
 - (A) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
 - (C) the conduct occurred within one year after the date of violation in the prior civil penalty assessment notice; and
 - (D) the conduct occurred after the person's receipt of the prior civil penalty assessment notice.
 - (II) The amounts in subparagraphs (I)(a) through (d) shall be three times the specified amount if:
 - (A) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
 - (C) the conduct occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and
 - (D) the conduct occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (g) The civil penalty assessment notice shall contain the maximum penalty amounts prescribed for the violation, the amount of the penalty surcharge pursuant to § 24-34-108(2), with a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days after the civil penalty assessment notice is tendered.
- (h) Civil penalty assessments are in addition to any other penalties provided by law.

6018. – 6099. [Reserved].